



PATENT
09/454,566

#17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent Application of:
David LINDNER

Application No. 09/454,566

Filed: December 7, 1999

For: A METHOD FOR ADAPTING A
COMPUTER-TO-COMPUTER
COMMUNICATIONS PROTOCOL
FOR USE IN AN INDUSTRIAL
CONTROL NETWORK

Examiner: Kenny S. LIN

Conf. No: 3884

Art Unit: 2154

Atty Docket No: SAA-25

PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED UNINTENTIONALLY UNDER
37 CFR 1.137(b)

MR. DEREK WOODS
OFFICE OF PETITIONS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

RECEIVED

SEP 02 2004

OFFICE OF PETITIONS

Dear Mr. Woods:

This letter is in reply to the Notice of Abandonment dated January 8, 2004. The above-identified application became abandoned for failure to file a timely and proper reply to a Notice of Allowance dated August 23, 2003. Applicant hereby petitions for revival of this application.

CERTIFICATE OF TRANSMISSION

I do certify that this correspondence, along with the Issue Fee Transmittal, a Deposit Account Statement, a Acknowledgement Post Card, and two FAX receipts are being facsimile transmitted to the United States Patent and Trademark Office, FAX No. (703) 872-9306 on May 7, 2004.

09/08/2004 AKELLEY 00000005 193875 09454566
Sale Ref: 00000007 DAH: 193875 09454566
01 FC:1453 1330.00 DA

Richard A. Baker, Jr.

Please charge the Petition Fee for Petition (37 CFR 1.17(m)), in the amount of \$1,330.00 and the Issue Fee of \$1,330 (for a total amount of \$2660) to the Deposit Account 19-3875 (SAA-25). The Director is hereby authorized to charge any additional fees that may be required, or credit any overpayment to this Deposit Account.

Since this utility patent application was filed after June 8, 1995, no terminal disclaimer is required.

The entire delay in filing the required reply to the Notice of Allowance until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. On November 20, 2003 Karen Pyka mailed the Fee Transmittal on the present application to the US Patent and Trademark Office, charging the Issue Fee to Deposit Account 19-3875, as evidenced by the attached Fee Transmittal form. On that date, the Deposit Account had sufficient funds to cover the issue fee, as seen in the attached Deposit Account Statement. The USPTO received the Fee transmittal on November 24th, as seen in the attached Acknowledgement Post Card. However, the Deposit Account balance fell below the amount need to cover the Issue Fee on November 24th and was not replenished for several days, as seen in the attached Deposit Account Statement. As a result, the present application became unintentionally abandoned.

Since the time that we received the Notice of Abandonment, we have diligently attempted to revive this application, as evidenced in the two FAX receipts of Petitions for Revival under 37 CFR 1.137(a). These petitions were sent without knowledge of the deficiency of the Deposit Account as described above.

PATENT
09/454,566

Applicants request that the USPTO grant this petition and allow the present application to issue as a US Patent.

Respectfully submitted,

By: 

Richard A. Baker, Jr.
Reg. No. 48,124

SCHNEIDER ELECTRIC AUTOMATION BUSINESS
1415 South Roselle Road
Palatine, IL 60067
Telephone: 978/975-9789
Facsimile: 847/925-7419

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OFFICE OF PETITIONS

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
Alexandria, Virginia 22313-1450
 or **Fax (703) 746-4000**

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections on this Block 1)
 23569 7590 08/20/2003

SQUARE D COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
1415 SOUTH ROSELLE ROAD
PALATINE, IL 60067



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Karen Pyka

(Depositor's name)

November 20, 2003

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,566	12/07/1999	DAVID T. LINDNER	SAA-25 (122.161)	3884

TITLE OF INVENTION: METHOD FOR ADAPTING A COMPUTER-TO-COMPUTER COMMUNICATION PROTOCOL FOR USE IN AN INDUSTRIAL CONTROL SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$0	\$1300	11/20/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
LIN, KENNY S	2154	700-009000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Michael J. Fernal

2. Larry I. Golden

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY and STATE OR COUNTRY)

SCHNEIDER AUTOMATION INC.

North Andover, MASSACHUSETTS

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☐ Publication Fee

☐ Advance Order - # of Copies

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4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card, Form PTO-2038 is attached.

☒ The Director is hereby authorized by check to charge the required fee(s), or credit any overpayment to Deposit Account Number 253875 (SAA-25) (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

11/20/03

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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Attachment E



**United States
Patent and
Trademark Office**



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Page**Deposit Account Statement****Requested Statement Month:**

November 2003

Deposit Account Number:

193875

Name:

SQUARE D. COMPANY

Attention:

LARRY I. GOLDEN

Address:

1415 S. ROSELLE ROAD

City:

PALATINE

State:

IL

Zip:

60067

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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11/05	96	5109897	DL-51	1553	\$3,220.00	\$18,973.57
11/07	77	5514964	OSH-5	1552	\$2,090.00	\$16,883.57
11/07	78	6061603	SAA-1-A	1551	\$910.00	\$15,973.57
11/10	2	6060797	RLC-35-1	1551	\$910.00	\$15,063.57
11/14	4	5516302	OX-0046-4	1552	\$2,090.00	\$12,973.57
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11/14	22	6064629	QUA-10	2551	\$455.00	\$10,428.57
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11/18	55	2109820		6205	\$100.00	\$8,238.57
11/18	56	2109820		6208	\$200.00	\$8,038.57
11/19	353	09929324	SAA-65	1501	\$1,330.00	\$6,708.57
11/19	354	09929324	SAA-65	1504	\$300.00	\$6,408.57
11/19	358	09957093	SPL35/47181-	1501	\$1,330.00	\$5,078.57
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11/24	6	5519368	CRE-0010	1552	\$2,090.00	\$2,688.57
11/24	11	5519175	DS-0001	1552	\$2,090.00	\$598.57
11/28	1	09748055	SPE-27	1201	\$84.00	\$514.57
11/28	138	SERVICE CHARGE		9202	\$25.00	\$489.57

START
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\$22,233.57

SUM OF
CHARGES
\$21,744.00

SUM OF
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\$489.57

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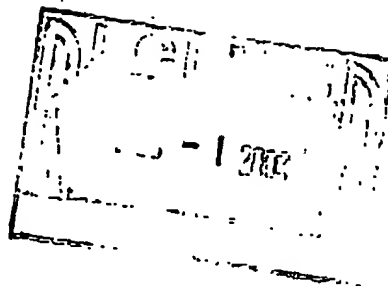
JAN. 29. 2004

4:18PM

SQUARED LEGAL

NO. 495

P.5



Applicants:	LINDNER et al.	Docket No.	SAA-25
		Date:	November 20, 2003
Serial No.	09/454,566	Attorney Ref.	MJP/kp
Filed:	December 7, 1999	Conf. No.	3884
Examiner:	LIN, Kenny S.	Group Art Unit:	2154

Title: METHOD FOR ADAPTING A COMPUTER-TO-COMPUTER
COMMUNICATION PROTOCOL FOR USE IN AN
INDUSTRIAL CONTROL SYSTEM

Enclosed: Issue Fee Transmittal with authorization to charge fee, one (1)
page, in duplicate; three (3) sheets of Formal Inked Drawings
comprising FIG.'s 1-4, together with this postcard.



The date stamp of the U.S. PTO hereon acknowledges receipt on the date indicated thereby, of the above-identified documents.
CPD-39

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A circular stamp from the OIPE Patent & Trademark Office. The text "OIPE" is at the top, "AUG 27 2004" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom. To the right of the stamp, the number "JC33" is written vertically.

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E.4) No facsimile connection

PPO289A (7-10)
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REMOVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) SAA-25
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First Named Inventor: **LUNDNER et al** Address: **2154**

Application Number: **09/451,566** Examiner: **LIN, Henry S**

Filed: **December 7, 1999**

Title: **PETITION FOR REMOVAL A Computer-70 - Computer Component-NATION'S
PHYSICAL FOR USE IN An INDUSTRIAL CONTROL SYSTEM**

Attention: Office of Patents
Mail Stop Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22303-1450

NOTE: If information or assistance is needed in completing this form please contact
Patents Information at (703) 305-6002

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by
the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the
period set for reply in the Office action or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REMOVAL OF THIS APPLICATION
NOTE: A grantable petition requires the following items:

- (1) Patent fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed
before June 1, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unreasonable delay

1. Patent fee

☐ Small entity — fee \$ _____ (37 CFR 1.170). Applicant claims small entity status.
See 37 CFR 1.21

☒ Other than small entity — fee \$ 110.00 (37 CFR 1.170).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action is in the form of _____ (Identify the type of reply).

☐ has been filed previously on _____

☐ is enclosed herewith.

B. The issue fee of \$ 1500.00

☒ has been filed previously on NOVEMBER 26, 2003.

☐ is enclosed herewith.

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U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Processing Fee: \$100.00
Dashed Number (Optional)
SAA-25

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(d)

First Named Inventor: LINDNER, et al Art Unit: 2154
Application Number: 09/454,566 Examiner: LEN, KERRY S
Filed: DECEMBER 7, 1999

TITLE: METHOD FOR ADDRESSING A Computer-to-Computer COMMUNICATIONS
PROTOCOL FOR USE IN AN INDUSTRIAL CONTROL SYSTEM
Attorney: Office of Patents
Mail Stop Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Patents Information at (703) 305-6582.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by
the United States Patent and Trademark Office. The day of abandonment is the day after the expiration date of the
period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
NOTE: A grantable petition requires the following items:
(1) Petition fee.
(2) Reply and/or issue fee.
(3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed
before June 8, 1995, and for all design applications, and
(4) Adequate showing of the cause of unintentional delay.

1. Petition fee
☐ Small entity - fee \$ _____ (37 CFR 1.177(d)) Applicant claims small entity status.
See 37 CFR 1.27
☒ Other than small entity - fee \$ 110.00 (37 CFR 1.177g)

2. Reply and/or fee
A. The reply and/or fee to the above-cited Office action in the form of _____ (Identify the type of reply):
☐ has been filed previously on _____
☐ is enclosed herewith.
B. The issue fee of \$ 1300.00
☒ has been filed previously on NOVEMBER 20, 2003
☐ is enclosed herewith.

[illegible]

* * * Transmission Result Report (MemoryTX) (May. 7. 2004 3:04PM) * * *

1)
2)

Date/Time: May. 7. 2004 3:02PM

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Reason for error

E. 1) Hang up or line fail
E. 3) No answerE. 2) Busy
E. 4) No facsimile connectionPATENT
09/454,566

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent Application of:
David LINDNER

Application No. 09/454,566

Filed: December 7, 1999

For: A METHOD FOR ADAPTING A
COMPUTER-TO-COMPUTER
COMMUNICATIONS PROTOCOL
FOR USE IN AN INDUSTRIAL
CONTROL NETWORK

Examiner: Kenny S. LIN

Conf. No: 3884

Art Unit: 2154

Atty Docket No: SAA-25

**PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED UNINTENTIONALLY UNDER
37 CFR 1.137(b)**MR. DEREK WOODS
OFFICE OF PETITIONS
PO Box 1450
ALEXANDRIA, VA 22313-1450

Dear Mr. Woods:

This letter is in reply to the Notice of Abandonment dated January 8, 2004. The above-identified application became abandoned for failure to file a timely and proper reply to a Notice of Allowance dated August 23, 2003. Applicant hereby petitions for revival of this application.

CERTIFICATE OF TRANSMISSION

I do certify that this correspondence, along with the Notice of Abandonment, a Deposit Account Statement, a Acknowledgment Post Card, and two FAX receipts are being facsimile transmitted to the United States Patent and Trademark Office, FAX No. (703) 772-6000 on May 7, 2004.


Richard A. Baker, Jr.

Attachment D



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor: David. T. Lindner

Serial No.: 09/454,566

Filed: Dec. 7, 1999

Title: Method for adapting a computer-to-computer protocol ...

Group Art Unit: 2154

Examiner: Lin, Kenny S.

FURTHER RESPONSE TO DECISION ON PETITION

(VIA FACSIMILE TO 703-872-9306)

Office of Petitions
U.S. Patent and Trademark Office
Attn: Mr. Derek Woods
PO Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Sir:

The following is further in response to a Decision on Petition mailed 28 July 2004.

In the above case a Notice of Abandonment was received on Jan. 8, 2004, for failure to file a timely and proper response to a Notice of Allowance dated August 23, 2003. A response to the Notice of Allowance was filed, but there was not enough money in the deposit account to cover the fees due.

A petition to revive under 37 CFR 1.137(a) was filed via facsimile January 29, 2004. This petition was filed without knowledge of the deficiency in the deposit account. The petition was dismissed in a Decision on Petition mailed 28 July 2004.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

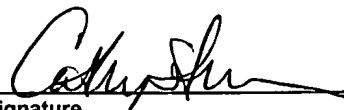
MAILING

- ☒ Deposited with the United States Postal Service with sufficient postage as first class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

- ☒ Transmitted by facsimile to the U.S. Patent and Trademark Office.

Date: 8.25.04



Signature
Mrs. Cathy Sturmer
(type or print name of person certifying)

(The petition mailed January 29, 2004, was refaxed on March 24, 2004, because of not having received an answer to the petition filed by facsimile on January 29, 2004.)

Another petition was filed on May 7, 2004, after discovering that the deficiency in the deposit account was the reason the Notice of Abandonment was mailed. This other petition has yet to be acted on, and applicant requests here that the other petition-- filed May 7, 2004--be considered to be in response to the Decision on Petition mailed 28 July 2004.


Applicant has now discovered another reference that applicant would like to have considered before the case issues, assuming the decision on the petition filed May 7, 2004, is favorable. For the reference to be considered, the case must be withdrawn from issue.

Per a phone conversation with Mr. Derek Woods, we are enclosing a copy of the petition filed May 7, 2004 (Attachment A), a copy of a power of attorney appointing the undersigned as an associate attorney in this matter (Attachment B), and a petition to withdraw from issue (Attachment C) in order to consider further references provided by in an Information Disclosure Statement, also enclosed (Attachment D), and a corresponding request for continued examination (Attachment E), as well as all fees for same except for the issue fee, which is to be paid out of the deposit account indicated in the petition of May 7, 2004.

***If any fee and/or extension is required in addition to any enclosed herewith, please charge Account No. 23-0442. (In particular, if there is any deficiency in the deposit account indicated in the May 7, 2004, petition, please charge the issue fee and any other fees indicated to be charged to that account instead to Account No. 23-0442.)

Respectfully submitted,

Aug. 25, 2004
Date


James A. Retter
Registration No. 41,266

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224
(Cust. No.: 004955)

tel: (203) 261-1234
fax: (203) 261-5676
email: jar@wfva.net



Attachment A